IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.06.2007

C O R A M :

THE HONOURABLE MR.A.P.SHAH, THE CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE P.JYOTHIMANI

W.A.No. 737 of 2007
and M.P.No.1 of 2007

1.D. Chinnathambi
2.D. Palanivel ... Appellants

-vs-

The General Manager
Indian Oil Corporation Limited
139 Nungambakkam High Road
Chennai 34.

1.The Chief Divisional Manager
Indian Oil Corporation Limited
Chennai Divisional Office
500 Anna Salai, Teynampet
Chennai 18.

2.The Chief Divisional Retail Sales Manager
Indian Oil Corporation Limited
Madurai Divisional Office
No.2 Race Course Road
Chokkikulam, Madurai 2.

3.N. Sivakumar ... Respondents

Writ Appeal filed under Clause 15 of Letters Patent against the order of the learned single Judge dated made in W.P.No.8759 of 2007 dated 30.04.2007. The Petition presented to this Court under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the third respondent vide letter dated 23.2.2007 and to quash the same and consequently confirm the allotment of Petrol Bunk at Gingee, Villupuram District infavour of the first petitioner.

For appellants :: Mr. S. Vijayakumar

For respondents 1 and 2 :: Mr. Abdul Saleem
M./s. Anand Abdul and Vinoth Associates
Mr. R. Chandrasekaran for R.4
Not ready in notice for R.3

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JUDGMENT

(DELIVERED BY P.JYOTHIMANI,J.)

In respect of leasing out of the land situated at No.160, Krishnapuram Village, Gingee Taluk in Survey No.104/2A measuring an extent of 22500 sq.ft. for the purpose of running the petrol bunk, it is the case of the appellants that the lease was entered between the appellants' family and the respondent Corporation for 20 years, as per the agreement entered in March, 2002. The first appellant was issued with letter of allotment by the second respondent Corporation on 23.09.2002, which should actually expire on 30.09.2003, however, the case of the appellants is that, it was subsequently extended upto 30.09.2004. When the notification was issued by the first and second respondent on 21.12.2003, inviting application for award of retail out-let at Gingee under Special Category (OSP), a writ petition was filed by the first appellant, which was withdrawn, based on which the third respondent had issued a letter of indent on 28.02.2005 in favour of the second appellant. A reference to the said letter, shows that it is only awarding of job contractorship for operating COCO retail outlet at Gingee from 28.02.2005 to 27.02.2006, i.e., for a period of one year. It is also seen that in the said proceedings of the third respondent dated 28.02.2005, the period of operation will be for one year, upto 27.02.2006 or till such date by which a regular dealer is appointed, whichever is earlier. For that, the second appellant has given an undertaking.

2. It is further seen that, by subsequent order dated 26.02.2006, the second respondent has given further period of one year to the second appellant with effect from 28.02.2006 or till completion of one year or such date by which a regular dealer is appointed, whichever is earlier and to that effect also there has been an undertaking given by the second appellant. In such circumstances, when the period of dealership has come to an end as early as 27.02.2007, especially when the second respondent has already granted dealership to the 4th respondent by way of regular dealership, there is no vested right on the part of the appellants to claim permanent dealership. In view of the same, as rightly pointed out by the learned single Judge, the question of principles of natural justice does not arise. Therefore, the writ appeal fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

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Sd/
Asst. Registrar

/true copy/

Sub Asst.Registrar

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To

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+ One cc to M/s Anand, Advocate SR 32667
+ One cc to Mr. S. Vijayakumar Advocate SR 32395
+ One cc to Mr. R. Chandrasekaran Advocate SR 32380

AKR (co)
sg 13/6/07

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